

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

FRONT ROW

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Front Row, 1777 Tamiami Trl, Port Charlotte, FL 33948

Date of Hearing: October 13, 2015

Case No. 51402

BACKGROUND AND STATEMENT OF THE ISSUES

A Wage Claim was filed with the Department of Labor on August 25, 2015. The notice was sent to the employer and there was no written objection until after the Wage Claim was scheduled for a hearing. A Notice of Hearing was sent to both parties on September 18, 2015. The Wage Claim is for \$504.00 in unpaid wages.

The claimant testified that she worked for the employer from March of 2015 until May 17, 2015. She testified that she was an hourly employee paid at the rate of \$12.00 per hour. The claimant testified that she made several attempts to resolve this claim and she was not successful.

The employer, of record, testified that they were not the actual employer; they were just the payroll company. The witness did testify that they had the authority to settle this Wage Claim if there were certain stipulations. The settlement would be the end of the claim and that the claimant and/or any members of her immediate family would not contact this representative again, about this case.

The claimant testified that if the claim was settled, there would be no further contact from her or her immediate family.

FINDINGS OF FACT

RSA 275:43 I Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee:

- (a) In lawful money of the United States;
- (b) By electronic fund transfer;
- (c) By direct deposit with written authorization of the employee to banks of the employee's choice;
- (d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or
- (e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

It is the finding of the Hearing Officer, based on the testimony of the two parties that the Wage Claim is settled by agreement. The employer agrees, through the payroll company, to settle the Wage Claim.

The claimant agrees that there will be no further contact with the payroll company, by herself or members of her immediate family.

The Wage Claim is settled in the amount of \$504.00.

DECISION AND ORDER

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Hearing Officer finds that the claimant and the representative of the employer have agreed to settle the Wage Claim.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED] in the total of \$504.00, less any applicable taxes, within 20 days of the date of this Order.

Thomas F. Hardiman
Hearing Officer

Date of Decision: November 2, 2015

TFH/kdc